

Notice of Allowability

Application No.

10/771,967

Examiner

Sean E. Conley

Applicant(s)

CHIU, HSIU-FENG

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/5/2004.
2. ☒ The allowed claim(s) is/are 1-3.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 1:

In claim 1, line 2, delete "the".

Claim 2:

In claim 2, line 1, after "wherein" delete "said" and insert --a--.

Allowable Subject Matter

2. Claims 1-3 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art fails to teach an evaporative scent burner comprising: a bottle used to accommodate essential oil, having a top provided with a bottle mouth, and a screw thread at a periphery of the bottle mouth; a gypsum evaporative base, having a bottom provided onto the bottle mouth of said bottle while a top thereof has an enlargement surface for a larger area of evaporation; a braided wire, with a head connected to the gypsum evaporative base while the bottom of the braided wire will fall inside the bottle to absorb essential oil wherein a reinforcement base is built-in in the gypsum evaporative base

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and comprised of rigid materials of strong toughness, the reinforcement base being provided with a screw notch where a screw thread at the periphery of bottle mouth can be properly screwed and a punching hole is provided inside the screw notch, where a braided wire can cross through and the braided wire head can be fastened, wherein said reinforcement base is available with a ring-type wall to separate braided wire and gypsum evaporative base, with its aim of preventing the gypsum base from breakdown or strip or leakage.

The closest prior art to the applicant's claimed invention is Munteanu (U.S. Patent No. 4,915,301) and Ferguson (U.S. Patent No. 6,555,069 B1).

Munteanu discloses a container with a sorbent member and a microporous membrane for dispensing a vapor from a volatile liquid. Specifically, the device comprises a bottle (11) containing a volatile liquid (23) which is sorbed by wick (15) and conveyed to porous body (18) that is formed of gypsum (see col. 4, lines 33-46; col. 5, lines 31-40). However, Munteanu fails to teach a reinforcement base built in to the gypsum evaporative base and having a screw notch where a screw thread at the periphery of the bottle mouth can be screwed. Ferguson discloses an oil lamp with a porous ceramic diffuser that is attached to the mouth of a bottle and comprises a hole for containing a wick (see col. 3, lines 24-50). However, Ferguson also fails to teach a reinforcement base built in to the ceramic base and having a screw notch where a screw thread at the periphery of the bottle mouth can be screwed. Therefore, claims 1-3 are allowable since the prior art fails to teach or suggest the applicant's claimed invention.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean E. Conley whose telephone number is 571-272-8414. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 6, 2005

SEC

S.E.C.


JOHN KIM
SUPERVISORY PATENT EXAMINER